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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/411,407	09/30/1999	THOMAS L. STACHURA	042390.P7090	8269

7590 06/03/2004

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EXAMINER	
MIRZA, ADNAN M	

ART UNIT	PAPER NUMBER
2141	27

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

4

Office Action Summary	Application No.	Applicant(s)	
	09/411,407	STACHURA ET AL.	
	Examiner	Art Unit	
	Adnan M Mirza	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farrand et al (U.S. 5,309,563), and in view of Nouri et al (U.S. 6,065,053).

As per claim 1 Farrand disclosed in a client device, a data packet containing hardware control data from an alert proxy external to a client device; parsing the data packet to determine specified control operations (col. 7, lines 24-34); determining a current operating state of said client device (col. 5, lines 36-39);

However Farrand failed to disclose determining whether execution of said received control operations are permitted while said client device is in said determined operating state; executing specified control operations if said execution has been determined to be. In the same field of endeavor Nouri disclosed determining the cause of the system problem, the administrator can use micro controller network "fly by wire" capability to reset the system, as well as to power the system off or on. "fly by wire" denotes that no switch, indicator or other control is directly connected to the function it monitors or controls, but instead all the control and monitoring connections are made by the micro controller network. The remote interface or remote interface board interfaces the server system to an external computer (col. 6, lines 45-65). Nouri's statement of monitoring and the control capability while the system in on and performing

different functionality of control operations can be interpreted as client device is in current operating status while receiving control operations.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated determining whether execution of said received control operations are permitted while said client device is in said determined operating state; executing said received control operations if said execution has been determined to be.

6. As per claim 2 Farrand-Nouri disclosed wherein receiving externally provided control operations includes receiving a system reset operation (Nouri, col. 5, lines 24-26).

7. As per claim 3 Farrand-Nouri disclosed wherein receiving externally provided control operations includes receiving a system power operation (Nouri, col. 6, lines 36-39).

8. As per claim 4 Farrand-Nouri disclosed wherein said externally provided control operations are received from a server device coupled to said client device over a network (Nouri, col.5, lines 54-63).

9. As per claim 5 Farrand-Nouri disclosed wherein said current operating state of said client device is determined by inspecting at least one status register on said client (Nouri, col. 5, lines 31-37).

10. As per claim 6 Farrand-Nouri disclosed wherein said control operations are permitted while said client device is in a system hung state (Nouri, col. 13, lines 31-37).

11. As per claim 7 & 16 Farrand-Nouri disclosed wherein said externally provided control operations are received via a network data packet encapsulated according to a remote management and control protocol (RMCP) (Farrand, col. 2, lines 55-61).

12. As per claim 8 Farrand-Nouri disclosed An apparatus comprising: a first electronic component; a bus; a, sensor coupled to said bus and said first electronic component to sense events in said first electronic component (Nouri, col. 22, lines 32-65); and a second electronic component coupled to said bus to conditionally cause said first electronic component to perform a plurality of functions through said sensor, via said bus, responsive to control operations from a source external to the apparatus (Nouri, col. 12, lines 50-62).

13. As per claim 9 Farrand-Nouri disclosed wherein said first electronic component further comprises a reset pin, and wherein said second electronic component coupled to said bus conditionally causes said first electronic component to perform a reset function (Nouri, col. 15, lines 21-60).

14. As per claim 10 Farrand-Nouri disclosed wherein said first electronic component includes a processor (Nouri, col. 15, lines 21-60).

15. As per claim 11 Farrand-Nouri disclosed wherein said bus includes a system management bus (Nouri, col. 8, lines 18-23).

16. As per claim 12 Farrand-Nouri disclosed further comprising a network controller (Nouri, col. 8, lines 5-18).

17. As per claim 13 Farrand-Nouri disclosed wherein said external control operations are provided by a server device connected to said apparatus through said network controller (Nouri, col. 8, lines 5-18).

18. As per claim 14 Farrand-Nouri disclosed further comprising: an operating system; and a processor to execute said operating system (Nouri, col 6, lines 58-65).

19. As per claim 15 Farrand-Nouri disclosed wherein said second electronic component conditionally causes said first electronic component to perform said plurality of functions prior to said operating system having been executed by said processor (Nouri, col. 12, lines 50-62).

Applicant's arguments are as follows:

20. Applicant argued that prior art did not disclose a sensor coupled to the bus and the first electronic component to sense events in the first electronic component.

As to applicant's argument Nouri disclosed an exemplary message from the micro controller network table includes "temperature sensor # 5 exceeding warning threshold" (col. 22, lines 33-37). One ordinary skill in the art at the time of the invention has the knowledge that first electronic component contains micro controller where bus and sensors are the components of the micro controller. The above Nouri's disclosure can be interrupted as a sensor coupled to the bus and the first electronic component to sense events in the first electronic component.

21. Applicant argued that prior art did not disclose determining a current operating state of the client device and determining whether execution of the received control are permitted while the client device is in the determined operating state.

As to applicant's argument Farrand disclosed, "the computer system bus supplies certain signals to a bus monitor which will help determine the state of the computer system board (col. 5, lines 36-39)" that can interrupted as determining a current operating state of the client device. Where as Nouri disclosed determining the cause of the system problem, the administrator can use micro controller network "fly by wire" capability to reset the system, as well as to power the system off or on. "fly by wire" denotes that no switch, indicator or other control is directly connected to the function it monitors or controls, but instead all the control and monitoring connections are made by the micro controller network. The remote interface or remote interface board interfaces the server system to an external computer (col. 6, lines 45-65). The monitoring and the control

aspect as well as "fly by wire" capability to reset the system can be interpreted as determining whether execution of the received control are permitted while the client device is in the determined operating state.

22. Applicant argued that prior art did not disclose receiving a data packet containing hardware control data from an alert proxy external; to a client device, parsing the data packet to determine specified control operations.

As to applicant's argument Farrand disclosed once the information processing and alert determination elements 52 determine that an alert should be issued, such an alert can be issued in a number of ways. Initially it must be determined if the alert should be delivered "in-band" or "out-band". Once originated by the information processing and alert determination element, an in-band alert is directed to bus master interface and on to the network operating system and, under the control of the network management software contained in the network management agent, on to the local network manager console (col. 7, lines 24-24). One ordinary skill in the art at the time of the invention can interpreted the above statement from prior art has the means to overcome the applicant's argument.

Examiner appreciates the Applicant's attempt to narrow the claims but claims are still considered broad and Applicant is advised to make further changes to the claims.

Conclusion

23. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (703)-305-4633.

24. The examiner can normally be reached on Monday to Friday during normal business hours.

25. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (703)-308-5221. The fax for this group is (703)-746-7239.

26. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label "PROPOSED" or "DRAFT");

(703)-746-7239 (For Official Communications Intended for entry, please mark "EXPEDITED PROCEDURE"), 703)-746-7238 (For After Final Communications).

27. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Any response to a final action should be mailed to:

BOX AF

Commissioner of Patents and Trademarks Washington, D.C.20231

Or faxed to:

Hand-delivered responses should be brought to 4th Floor Receptionist, Crystal Park II, 2021 Crystal Drive, Arlington, VA 22202.

AM

Adnan Mirza

Examiner

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER